

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
JUNE 15, 2004
7:00 P.M.**

ROLLCALL Answering rollcall were Members Housh, Hovland, Masica and Mayor Maetzold.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Housh and seconded by Member Masica approving the Council Consent Agenda as presented with the exception of Agenda Item I., Approval of Council Minutes of June 1, 2004.

Rollcall:

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

MINUTES OF THE REGULAR MEETING OF JUNE 1, 2004, APPROVED Member Hovland removed the Minutes of the Regular Meeting of June 1, 2004, from the Consent Agenda for a correction to his comments.

Motion made by Member Hovland and seconded by Member Masica, approving the Minutes of the Regular Meeting of the Edina City Council for June 1, 2004, as corrected.

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

RESOLUTION NO. 2004-58 ADOPTED GRANTING FINAL DEVELOPMENT PLAN, MURPHY AUTOMOTIVE (5354 FRANCE AVENUE) Affidavits of Publication were presented and ordered placed on file.

Member Hovland explained he has been involved in a venture with Tim Murphy of Murphy Automotive and spoke with the City Attorney for an opinion on whether he should participate and vote on this issue. Attorney Gilligan said there would be no conflict of interest with Mr. Hovland's participation.

Presentation By Planner

Planner Larsen stated the subject property had been developed as a gas station in the 1950's, and then expanded in the 1960's when it was used as a training facility for a major oil company. He said that the current facility included four service bays and fueling pumps. Mr. Larsen noted the property was zoned Planned Commercial District, PCD-4 which allowed gas stations, automobile service centers and car washes as principal uses. He said the request for redevelopment originally included adding four service bays, modifying one of the existing bays into interior non-service bay space and removing the gas sales equipment.

Mr. Larsen explained the Planning Commission heard the proposal for Murphy Automotive on two occasions. At the first Planning Commission meeting April 28, 2004, the request was denied. After that meeting the applicant returned with a modified request reducing the number of requested service bays by one, while still removing the gas sales equipment from the property. In addition, the site would not house a quick oil change component or a car-washing bay. Mr. Larsen said the revised proposal addressed many of the concerns expressed at the Planning Commission meeting of April 28, 2004.

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Mr. Larsen outlined the variances needed if the proposal was approved: 1) Lot area variance of 14,350 feet, 2) a two-foot setback for parking areas; and 3) Parking Variance needed of seven spaces. He added the proponent has agreed to arrange a lease arrangement to guarantee parking spaces as "Proof of Parking". Mr. Larsen said the proponent has also agreed to the following conditions:

- Watershed District Permits
- Long term lease of off-site parking
- No Sunday business operations
- No re-establishment of either car wash or fuel service
- Closure of two curb cuts nearest the intersection of 54th and France
- New pad for bus bench setback farther from France Avenue
- Increased parking setback along France Avenue to five feet to allow for a better planting bed
- Add over story trees to planting bays adjacent to France Avenue and West 54th Street
- Remove and replace landscaping on the west
- Save and trim landscaping on the north side
- No accessory retail sales.

Member Masica asked if the seven space parking variance would still be needed. Mr. Larsen said that the requirement would be satisfied with a "Proof Of Parking Agreement" lease, which would become a condition of any approval granted by the Council.

Member Hovland asked why the lot area variance was needed and what was the "hardship". Mr. Larsen said he believed the ordinance did not anticipate the type of use currently on the site. He added that reducing the gasoline service from the property greatly reduced traffic and its subsequent congestion. Mr. Larsen said the property's hardship was the historic development and the unusual shape of the lot. He suggested granting the requested variance would maintain a reasonable use of the property while still serving the neighborhood.

Mayor Maetzold commented he understood that when upgrading older properties the need for a variance would not be unusual. Mr. Larsen agreed variances happen more frequently with redevelopment.

Proponent Comment

Tim Murphy, 5354 France Avenue South, thanked the Council for their consideration of his redevelopment application. Mr. Murphy explained he wanted to update the facility and improve the look of the properties on the corner, while still continuing his property's use as a service center. He noted they would be closing some of the curb cuts, removing the gas operation from the site and improving the landscaping.

Member Masica expressed concern over the number of vehicles parked on the site and asked how many parking spots were planned for the redeveloped property. Mr. Murphy responded that he has an agreement with Calvary Church to park vehicles in their parking lot and added that his employees have been parking in the church lot for years. He said that he believed the redevelopment plan denoted eighteen parking spaces.

Mayor Maetzold called for public comment. No one appeared.

Member Housh thanked Mr. Murphy for continuing his investment in Edina and attempting to revitalize the corner. He stated he appreciated the proponent working to get the redevelopment done well.

Mayor Maetzold and Member Hovland agreed with Member Housh's comments.

Member Masica expressed her hope that the redevelopment will be an upgrade adding she believed it would be well done, but she was slightly concerned about the property if it were sold.

Member Hovland asked if there was going to be a long-term lease covering the parking of Murphy Automotive vehicles at Calvary Church. Mr. Larsen said staff would be drafting a proof of parking agreement to cover the City's interest.

Member Hovland made a motion closing the public hearing, seconded by Member Masica.

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

Member Housh introduced the following resolution and moved its adoption:

**RESOLUTION NO. 2004-58
GRANTING FINAL DEVELOPMENT PLAN
TO MURPHY AUTOMOTIVE, INC.
5354 FRANCE AVENUE SOUTH**

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, that the Final Development plan dated May 19, 2004, for Murphy Automotive, Inc. on 5354 France Avenue presented at the regular meeting of the City Council on June 15 2004, be and is hereby approved subject to the following conditions:

1. Watershed District Permits
2. Long term lease of off-site parking
3. No Sunday business operations
4. No re-establishment of either car wash or fuel service
5. Closure of two curb cuts nearest the intersection of 54th and France
6. New pad for bus bench setback farther from France Avenue
7. Increased parking setback along France Avenue to five feet to allow for a better planting bed
8. Add over story trees to planting bays adjacent to France Avenue and West 54th Street
9. Remove and replace landscaping on the west
10. Save and trim landscaping on the north side
11. No accessory retail sales.

Adopted this 15th day of June 2004.

Member Hovland seconded the motion.

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

RESOLUTION NO. 2004-56 ADOPTED - AUTHORIZING STUDY OF APPLICABLE PLANS AND ORDINANCES RELATIVE TO PLATTING AND FIRST READING GRANTED TO ORDINANCE NO. 2004-09 - IMPOSING A MORATORIUM ON SUBDIVISION OF SINGLE FAMILY DWELLING LOTS IN R-1 ZONING DISTRICTS Manager Hughes suggested that both the proposed study of applicable plans and ordinance relative to platting and the proposed moratorium ordinance be reviewed jointly. However, he pointed out the Council must take separate action on the items.

Mayor Maetzold stated that while procedurally this was not a public hearing, the Council intended to allow public comments.

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Member Hovland asked what amount of staff time would be directed to a potential study if the Council were to adopt a resolution authorizing a study. Mr. Hughes answered that if the Council chose to adopt the resolution the staff would develop a work plan and explore whether or not a consultant would be needed.

Member Housh requested that there be two votes taken, one for the study and another for the proposed moratorium ordinance. Council concurred.

Public Comment

Kathleen Olmsted, 5117 Blossom Court, stated she was representing both her neighbor Irene Kelm and herself. Ms. Olmsted said they both intended to sell their homes within the next couple of years. Ms. Olmsted said both properties were over an acre in size and that as widows they were counting on being able to divide their property for future income.

Member Housh noted receipt of a letter from Dr. Carole J. Kylo, 5201 Schaefer Road opposing a moratorium on subdivisions.

Sharon Prevot, 6728 Indian Hills Road, offered to serve as a volunteer on any task force formed to study the platting requirements and regulations.

Salvador Mendoza, 5117 Ridge Road, stated he was in the process of subdividing his property. He noted he had already received preliminary and final approval and asked whether the proposed moratorium would affect him. Attorney Gilligan explained that Mr. Mendoza's plat would not be affected because it had already been approved.

Bob Brockway, 6927 Valley View Road, asked what issues have caused this proposed moratorium to be considered. He asked if after a study and moratorium would standards be tightened or increased. Mr. Hughes noted that in connection with a request for preliminary plat, concern had been expressed over character and standards of the surrounding neighborhood. Mr. Hughes added it would be difficult to predict outcomes before a study commenced.

Bob Engstrom, 5968 Grass Lake Terrace, Minneapolis, stated it seemed to him the City should be able to resolve this issue without a moratorium. He offered to serve on a group reviewing the issue. Mr. Engstrom said that Edina had the assets and leadership to look at the standards. He questioned whether or not there was a real need for a moratorium.

Gerald Mazzara, 5201 Duncraig Road, said he was representing his son and agreed with Mr. Engstrom that there was no need for a moratorium. Mr. Mazzara said that everyone needed to remember that making lots larger does not make good design and reminded that this was the city, not the suburbs. He noted that many homes have reached the end of their life cycle and was ready to be torn down and replaced.

Addie Fitzimmons, 5025 Yvonne Terrace, stated she did not live in an area of large lots, but she said she hated to see what has been built up be ruined. She expressed concern over the large number of teardowns and lot splits and urged the Council to adopt the proposed moratorium.

Deborah Pogoff, 6512 Belmore Lane, stated she supported the enactment of the moratorium and updating of subdivision standards.

Member Hovland said he supported ordering a study of platting standards and regulations and suggested the need to move as expeditiously as possible to complete the review.

Member Housh stated he agreed with the speakers who support looking at the standards and reviewing platting requirements, but he opposed any type of moratorium.

Member Masica said she had wrestled with the issue for some time. She noted the Planning Commission has asked for direction. She pointed out one of Edina's assets were its large estate lots in addition to the large variety of housing types available. Member Masica expressed concern that each time a large lot was subdivided that depleted the pool of estate type lots. She added she felt it important to review standards in time to shape future policy.

Mayor Maetzold agreed it was timely to stop and review standards adding he also supported a moratorium while the study took place.

Member Housh pointed out that individual property owners also have rights, including the right to request a subdivision of their property. He added that many property owners have land that could be subdivided without requiring any type of variance. Member Housh pointed out that a hundred years ago most of Edina was farmland stating that not all change was bad. He reiterated his support of a study, but urged the Council to not impose any moratorium at this time.

Member Hovland added it was a difficult decision to impose a moratorium, but it was a balancing of property rights and overall public interest. He added his hope the study was concluded as quickly as possible.

Member Masica introduced the following resolution authorizing studies of plat and replatting the subdivision of lots on property in the City of Edina and moved its adoption:

RESOLUTION NO. 2004-56

**RESOLUTION AUTHORIZING STUDIES ON THE PLATTING,
REPLATTING OR SUBDIVISION OF LOTS AND OTHER PROPERTY
WITHIN THE CITY OF EDINA**

WHEREAS, the City of Edina is essentially fully developed; and

WHEREAS, Edina is a city of many and varied residential housing units and neighborhoods which are enhanced by their variety, quality and significance, and in order to provide continuity and a high quality of life for the residents of Edina as set out in Edina's Vision 20/20, it is desirable to adopt this resolution; and

WHEREAS, lots in the City are valuable and new lots will be developed in the City mainly by subdividing existing lots; and

WHEREAS, the City Council believes that the ordinances and Comprehensive Plan of the City are adequate to guide future subdivisions of existing lots without detriment to the City or its citizens, but nevertheless, it is recognized that planning is an ongoing process and it is desirable to continually review the plans and ordinances of the City to determine if any changes or amendments should be made to the procedures and criteria for approving subdivisions in the City, especially as they relate to existing single family lots;

NOW, THEREFORE, BE IT RESOLVED, that the City staff is hereby directed to conduct studies of the applicable plans and ordinances of the City, and to give information to and make recommendations to the City Council relative to the need, if any, for changing or clarifying the procedures and criteria for approving plats, replats, subdivisions or divisions of lots or other property in the City, and especially within the Single Dwelling Unit District (R-1) of the City as designated by Section 850 of the City Code.

Passed and adopted this 15th day of June 2004.

Rollcall:

Ayes: Housh, Hovland, Masica, Maetzold

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Motion carried.

Member Masica made a motion to grant First Reading to Ordinance No.2004-09 imposing a moratorium on subdivision of single family dwelling lots in R-1 Zoning Districts in Edina. Member Hovland seconded the motion.

Rollcall:

Ayes: Hovland, Masica, Maetzold

Nays: Housh

Motion carried.

RESOLUTION NO. 2004-60 ADOPTED GRANTING FINAL PLAT APPROVAL TO BLAKE HEIGHTS SUBDIVISION

Mr. Larsen explained that the preliminary plat had been granted for the Blake Heights Subdivision November 5, 2003. He said that the Developer's Agreement had been signed and the proper security had been posted, adding that Dave Allen was now the developer of the property. Mr. Larsen stated that with the new plat the developer was rededicating the required easements, therefore the condition of the previously approved vacation was satisfied. He pointed out that Mrs. Lundholm's Spruce Street easement vacation still had a condition of dedication of the westerly portion of the easement for the cul-de-sac waiting for satisfaction.

Member Masica asked if the taxes on the property were current. Mr. Larsen explained it would not be possible for a developer to record a plat if there were delinquent taxes on a property.

Public Comment

Marlys Fiterman, 308 Arthur Street, stated she would be impacted by the subdivision. Ms. Fiterman said that previously they had been told that the five new lots would have homes constructed valued at between \$300,000 and \$500,000. Now she said a potential lot purchaser has stated they intend to build a home valued at much more than \$500,000. Ms. Fiterman urged the Council to come and look at the neighborhood before granting final approval. She said that the developer had changed again and now the homes were going to be around \$1.5 million. Ms. Fiterman asked that the Council ensure that all the necessary watershed district permits were granted. Mayor Maetzold explained that the real decision point in a subdivision was at the time of preliminary plat, which had already been granted. Further he pointed out the developer had satisfied all the conditions of the preliminary approval. Engineer Houle explained that once the developer received his Final Plat approval, he could then obtain the watershed district permits needed to begin the project from Nine Mile Creek Watershed District.

Karen Lundholm, 309 Arthur Street, stated she was representing her mother Dorothy. Ms. Lundholm said the issue of character and symmetry of the neighborhood was still an issue. She said that Mr. Lind had planned smaller homes, but the new developer has not been in contact with anyone from the neighborhood. She added she knew the taxes were delinquent and urged the Council to not grant the final plat. Mr. Hughes explained it was a matter of law that taxes must be current before a plat can be recorded at Hennepin County.

Ms. Fiterman asked if the second developer needed to abide with what the previous developer had specified would be the homes built. She asked how the final plat could be approved when Dorothy Lundholm had not been contacted about the cul-de-sac.

Mayor Maetzold explained that plat approval does not specify home values. Mr. Houle explained that Ms. Lundholm's vacation had been conditioned upon granting the cul-de-sac easement, but the Blake Heights Plat had not been part of the Lundholm easement vacation condition.

Member Hovland asked staff to comment upon lot size relative to home value. Mr. Larsen explained that the zoning ordinance has lot setback and coverage requirements. Builders must comply with those setbacks and that may result in significantly larger homes on the new lots than those in existence.

Ms. Fiterman asked again about the Lundholm's granting an easement for the cul-de-sac. Mr. Gilligan reminded that the Lundholm's vacation had been conditioned upon granting the easement for the cul-de-sac. If they do not grant the cul-de-sac easement, then the City will not vacate Spruce.

Dave Allen, Proponent, stated he bought the property and intended to make it a good development that would compliment the neighborhood. He stated he had done a number of developments in Golden Valley and Minneapolis and felt his work spoke for him. Mr. Allen said he was only interested in improving the quality of the neighborhood and invited all those concerned to come look at his developments. He said his goal was to blend the new architecture with the existing neighborhood, which he felt he had accomplished in other communities.

Following a brief discussion, **Member Housh made a motion introducing the following resolution and moving its adoption:**

**RESOLUTION NO. 2004-60
APPROVING BLAKE HEIGHTS
FINAL PLAT**

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, that that certain plat entitled, "BLAKE HEIGHTS" platted by T/C Buildings, Inc. and presented at the regular meeting of the Edina City Council on June 15, 2004, be and is hereby granted final plat approval conditioned upon a subdivision dedication of \$4,800.00.

Passed and adopted this 15th day of June, 2004.

Member Hovland seconded the motion.

Rollcall:

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

***BID AWARDED - ENTERPRISE SOFTWARE AGREEMENT - SOFTWARE HOUSE INTERNATIONAL** Motion made by Member Housh and seconded by Member Masica approving the award of bid for software agreement upgrades to sole bidder, Software House International at \$38,072.00.

Motion carried on rollcall vote - four ayes.

AWARD OF BID - GENERAL LIABILITY INSURANCE Mr. Hughes explained the General Liability insurance quote was for the following coverage's: Equipment, General Liability, Liquor Liability, Pollution Liability, Employee Benefit Liability, Law Enforcement Liability, Public Officials Liability, Employee Practices Liability, Auto Liability and Auto Physical Damage. Premiums of the individual coverage's fluctuate normally and the overall increase for 2004-05 would be 10%.

Member Housh inquired whether obtaining quotes for some liability coverage was difficult with such a limited market. Bill Homeyer, agent representing St. Paul Travelers Insurance, commented that the League of Minnesota Cities and one other company are the only carriers of some of the coverage's. Mr. Housh asked if the 10% increase was unusual. Mr. Homeyer said half of the increase was considered an 'exposure increase' and the other half was rate.

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Member Hovland made a motion approving the City of Edina's General Liability Insurance for 2004 - 2005, to recommended sole bidder, St. Paul Travelers at \$484,416.00. Member Housh seconded the motion.

Ayes: Housh, Hovland, Masica, Maetzold
Motion carried.

AWARD OF BID - WORKER'S COMPENSATION INSURANCE Mr. Hughes explained the quote for Worker's Compensation Insurance written through the League of Minnesota Cities Insurance Trust, represents a 17.7% increase in premium.

Member Housh asked if claims were paid on the first dollar. Mr. Homeyer noted that while the increase was significant, it was based on the exposure to payroll. Mr. Housh asked if a loss-sensitive approach had been considered for worker's compensation. Mr. Homeyer commented that approach was suggested within the quotation process.

Mr. Housh asked how the budget process works to accommodate payment of the renewals. Mr. Hughes said an expected amount was budgeted and a reserve has been created within the General Fund to accommodate these premium fluctuations.

Member Housh made a motion approving the City of Edina's Worker's Compensation Insurance for 2004 - 2005, to recommended sole bidder, the League of Minnesota Cities Insurance Trust, at \$381,674.00. Member Hovland seconded the motion.

Ayes: Housh, Hovland, Masica, Maetzold
Motion carried.

AWARD OF BID - PROPERTY INSURANCE Mr. Hughes introduced Jack Carroll the Agent of Record for the City's Property Insurance written through the Travelers Insurance Company.

Member Masica inquired what was the reason for the premium increase. Mr. Hughes noted that everything attributable to the training center could be excluded from the renewal premium. The premium on the training center for the City of Edina's portion would be 20% or approximately \$3,000 to \$5,000.

Member Housh inquired if the composition of the properties had anything to do with why some carriers would not quote the insurance. Mr. Carroll responded that every risk was looked at differently and some constructions seem to be problematic.

Member Masica made a motion approving the City of Edina's Property Insurance for 2004- 2005, to recommended sole bidder, the Travelers Insurance Company, at \$114,501.00. Member Hovland seconded the motion.

Ayes: Housh, Hovland, Masica, Maetzold
Motion carried.

TRAFFIC SAFETY STAFF REVIEW OF JUNE 8, 2004, APPROVED Member Hovland made a motion approving Section A of the Traffic Safety Staff Review of June 8, 2004. Member Masica seconded the motion.

Ayes: Housh, Hovland, Masica, Maetzold
Motion carried.

Section B. 1

Traffic Safety Coordinator Bongaarts explained at the June 8, 2004, Traffic Safety meeting, staff recommended denial of the request for lack of warrants for the requested STOP signs on Maple Road at West 49th Street. Three traffic surveys were performed in May 2004. Mr. Bongaarts reiterated that STOP signs are used to assign right-of-way at an intersection and are installed where an accident problem was identified, where un-removable visibility restrictions exist and/or where volumes are high enough that the normal right-of-way rule was unduly hazardous. He added that STOP signs are NOT recommended for use as speed control devices.

Mark Weber, 4912 Maple Road, said he is the spokesperson for the 33 of 38 residents of Maple Road who were in favor of installation of the STOP sign on Maple Road and 49th Street. He voiced concern for pedestrian safety from cut-through traffic. He added that sidewalks were installed in the area approximately four years ago but have not alleviated any traffic concerns.

Mayor Maetzold stated that the fact was that STOP signs increase speeds. He added that in his neighborhood it was not abnormal for people to ignore STOP signs. The City recently hired a third traffic officer to help with warning residents about not obeying STOP signs.

Member Masica asked why speed bumps would not be recommended. Mr. Bongaarts said the decision of whether to install speed bumps would be up to the Traffic Task Force. The main problem with speed bumps was the noise factor. Engineer Houle recommended the Council deny the request and allow the Task Force to examine the issue further.

Member Housh noted the best thing a neighborhood can do to protect their children was to install sidewalks. Mr. Bongaarts said the Council must make the decision and staff can only share the facts of their examination of the request.

Chief Siitari stated the City has three full-time traffic officers. With the installation of more STOP signs, there would be a diminishing return from enforcement and what happens was concern with resource allocation.

Carl Golbronson, 5 Cooper Avenue, stated that Cooper Avenue has cut-through traffic as well. He questioned whether NO LEFT TURN signs have been considered for a stated period of time of day. Mr. Maetzold said that has been considered and only creates a problem in another location.

Member Hovland said this was not a new issue and the reason sidewalks were installed on Maple. He suggested the new Transportation Commission take the Maple Road issue on as one of their first concerns regarding traffic calming. He said he would be in favor of temporary STOP signs on a trial basis.

Mr. Houle added the Transportation Commission was looking at a draft policy plan that would take requests from the neighborhoods and rank them.

Ms. Masica said she believes these four things create a reason for STOP sign installation: 1) the number of requestors on the petition, 2) close proximity to a commercial district, 3) number of children in the area, and 4) cut-through traffic. She would support installation of STOP signs in the neighborhood.

A letter was submitted from Allison Thiel, 4836 Maple Road, voicing concern if installation of STOP signs was approved since it would be located in the middle of their front lawn and not allow parking in front of their home.

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Following a Council discussion, **Member Hovland made a motion approving installation of STOP signs at Maple Road at West 49th Street and reversing the staff denial of the request under Traffic Safety Staff Review Section B.1.** Member Masica seconded the motion.

Ayes: Hovland, Masica, Maetzold

Nays: Housh

Motion carried.

Section B. 2

Mr. Bongaarts explained a request for STOP signs on Woodland Road West at St. Johns Avenue and Fairfax Avenue was received. The requestor felt signs were needed to control speed and volume of traffic at Woodland Road West to protect pedestrians and children.

John Ellefson, 4524 West Woodland Road, stated he believed that more accidents have happened in that intersection than have been reported and there was an inordinate amount of drag racing occurring on the street. Mr. Ellefson said of the 22 residents living on Woodland, 20 signed the petition requesting the STOP signs. He presented copies of the petition. Mr. Ellefson added that this was the only unregulated street from Concord to Wooddale and installing a four-way STOP would be important. Mr. Bongaarts added at present there were two YIELD signs, which would have to be removed if four-way STOP signs were approved.

Ms. Masica said after visiting the subject area and observing people walking in the street, sidewalks are a necessity. She said she does not believe that a four way STOP was necessary but a two way STOP on the east and west side of Woodland would be all right.

Mr. Housh noted this was a street that was used regularly to reach the Community Center.

Anita Macias-Howard, 4601 Woodland Road, said many children walk to the Community Center from other neighborhoods in the area, and especially during the fall with high school football/basketball games. She added she would love to have a sidewalk on her property.

Mr. Houle explained the sidewalk financing policy near schools as 25% School District responsibility, 25% City responsibility and 50% assessed to the benefiting property owners.

Meg Ellefson, 4524 West Woodland Road, said a four-way STOP was specifically requested and she encouraged approval of the request.

Reno Backus, 5633 St. John's Avenue, informed the Council that traffic has increased enormously in the area.

Mr. Maetzold commented he would be in favor of installing four-way STOP signs. Mr. Hovland concurred.

Mr. Housh added if residents wanted STOP signs installed to reduce speeds, historically, this does not work. He would be more in favor of sidewalk installation.

Kim McCormick, 4608 West Woodland, said she believed that traffic would slow down with installation of the requested 4-way STOP.

Mr. Bongaarts voiced concern with a STOP sign on St. John's because of the light traffic volume. He suggested trying the two-way STOP. Member Masica concurred.

Member Hovland made a motion for installation of two-way STOP signs on Woodland Road at St. Johns Road and Fairfax Avenue reversing the denial of the staff's recommendation under Traffic Safety Staff Review, Section B 2. Member Masica seconded the motion.

Ayes: Hovland, Masica, Maetzold

Nays: Housh

Motion carried.

Member Housh made a motion approving Section B. 3, 4, 5 and 6 and Section C of the June 8, 2004, Traffic Safety Staff Review. Member Hovland seconded the motion.

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

REAPPOINTMENTS MADE TO COMMUNITY EDUCATION SERVICES BOARD Mayor Maetzold indicated his intention of reappointing Linda Masica, Linda Presthus and Beth Brand to the Community Education Services Board for a term to June 30, 2005.

Member Housh made a motion approving the reappointment to the Community Education Services Board of Linda Masica - Council Representative, Linda Presthus - Park Board Representative, and Beth Brand - City of Edina's at large representative. Member Hovland seconded the motion.

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

*RESOLUTION NO. 2004-53 - CALLING FOR PUBLIC HEARING ON JULY 6, 2004, FOR CONSIDERATION OF VACATING DRAINAGE AND UTILITY EASEMENT - LOT 1, BLOCK 1, RICHMOND HILLS SECOND ADDITION Motion made by Member Housh and seconded by Member Masica introducing the following resolution and moving its adoption:

RESOLUTION NO. 2004-53
CALLING FOR PUBLIC HEARING ON VACATION
UTILITIES EASEMENTS
5400 EDENMOOR STREET

BE IT RESOLVED by the City Council of the City of Edina as follows:

1. It is hereby found and determined that the following described property should be considered for vacation in accordance with the provisions of Minnesota Statutes, Section 160.29 and 462.348, Subd. 7:
2. This Council shall meet at 7:00 P.M. on the 6th day of July 2004, for the purpose of holding a public hearing on whether such vacation shall be made in the interest of the public.
3. The City Clerk is authorized and directed to cause notice of said hearing to be published once a week for two weeks in the Edina Sun-Current, the official newspaper of the City, to post such notice, in at least three public and conspicuous places, as provided in Minnesota Statutes. Such notice shall be in substantially the following form:

CITY OF EDINA
4801 WEST 50TH STREET
EDINA, MINNESOTA 55424
NOTICE OF PUBLIC HEARING ON
VACATION OF UTILITY
AND DRAINAGE EASEMENTS
IN THE CITY OF EDINA
HENNEPIN COUNTY MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Minnesota will meet on July 6, 2004, at 7:00 P.M. in the Council Chambers at 4801 West 50th Street for public utility and drainage easements to be vacated:

LEGAL DESCRIPTION OF DRAINAGE AND UTILITY EASEMENTS TO BE VACATED

The north 10.00 feet of Lot 1, Block 1, RICHMOND HILLS 2ND ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, which lies east of the west 10.00 feet of said Lot 1, and which lies west of the east 10.00 feet of said Lot 1.

All persons who desire to be heard with respect to the question of whether or not the above proposed street right of way and utility and drainage vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed street vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, telephone or cable television poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of such easement, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

Motion carried on rollcall vote – four ayes.

***RESOLUTION NO. 2004-54 – CALLING FOR PUBLIC HEARING ON JULY 6, 2004, FOR CONSIDERATION OF VACATING A PORTION OF ROADWAY RIGHT-OF-WAY EASEMENT FOR WHITE OAKS DRIVE** Motion made by Member Hovland and seconded by Member Masica introducing the following resolution and moving its adoption:

**RESOLUTION NO. 2004-54
CALLING FOR PUBLIC HEARING ON VACATION
OF PUBLIC RIGHT-OF-WAY FOR A PORTION
OF WHITE OAKS DRIVE**

BE IT RESOLVED by the City Council of the City of Edina as follows:

1. It is hereby found and determined that the following described property should be considered for vacation in accordance with the provisions of Minnesota Statutes, Section 160.29 and 462.348, Subd. 7:
2. This Council shall meet at 7:00 P.M. on the 6th day of July 2004, for the purpose of holding a public hearing on whether such vacation shall be made in the interest of the public.
3. The City Clerk is authorized and directed to cause notice of said hearing to be published once a week for two weeks in the Edina Sun-Current, the official newspaper of the City, to post such notice, in at least three public and conspicuous places, as provided in Minnesota Statutes. Such notice shall be in substantially the following form:

**(Official Publication)
CITY OF EDINA
4801 WEST 50TH STREET
EDINA, MINNESOTA 55424
NOTICE OF PUBLIC HEARING ON
VACATION OF ROADWAY RIGHT OF WAY
PORTION OF WHITE OAKS ROAD**

IN THE CITY OF EDINA
HENNEPIN COUNTY MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Minnesota will meet on July 6, 2004, at 7:00 P.M. in the Council Chambers at 4801 West 50th Street for a portion of White Oaks Road roadway right-of-way easements to be vacated:

PROPOSED LEGAL DESCRIPTION OF PORTION OF WHITE OAKS ROAD TO BE VACATED:

That part of White Oaks Road, dedicated in the plat of WHITE OAKS 4TH ADDITION, Hennepin County, Minnesota, which lies southerly of a line from the northeast corner of Lot 3 in said WHITE OAKS 4TH ADDITION, o a point of compound curvature on the north line of Lot 12 in said WHITE OAKS 4TH ADDITION.

All persons who desire to be heard with respect to the question of whether or not the above proposed street right of way and utility and drainage vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed street vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, telephone or cable television poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of such easement, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

BY ORDER OF THE EDINA CITY COUNCIL

Debra A. Mangen, City Clerk

Dated: June 10, 2004

Passed and adopted this 15th day of June 2004.

Motion carried on rollcall vote – four ayes.

*RESOLUTION NO. 2004-55 – CALLING FOR PUBLIC HEARING ON JULY 6, 2004, FOR CONSIDERATION OF VACATING DRAINAGE AND UTILITY EASEMENT FOR 5609 GROVE STREET Motion made by Member Housh and seconded by Member Masica introducing the following resolution and moving its adoption:

RESOLUTION NO. 2004-55
CALLING FOR PUBLIC HEARING ON VACATION
UTILITIES EASEMENTS
5609 GROVE STREET

BE IT RESOLVED by the City Council of the City of Edina as follows:

1. It is hereby found and determined that the following described property should be considered for vacation in accordance with the provisions of Minnesota Statutes, Section 160.29 and 462.348, Subd. 7:
2. This Council shall meet at 7:00 P.M. on the 6th day of July 2004, for the purpose of holding a public hearing on whether such vacation shall be made in the interest of the public.
3. The City Clerk is authorized and directed to cause notice of said hearing to be published once a week for two weeks in the Edina Sun-Current, the official newspaper of the City, to post such notice, in at least three public and conspicuous places, as provided in Minnesota Statutes. Such notice shall be in substantially the following form:

(Official Publication)
CITY OF EDINA
4801 WEST 50TH STREET

**EDINA, MINNESOTA 55424
NOTICE OF PUBLIC HEARING ON
VACATION OF UTILITY
AND DRAINAGE EASEMENTS
IN THE CITY OF EDINA
HENNEPIN COUNTY MINNESOTA**

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Minnesota will meet on July 6, 2004, at 7:00 P.M. in the Council Chambers at 4801 West 50th Street for public utility and drainage easements to be vacated:

LEGAL DESCRIPTION OF DRAINAGE AND UTILITY EASEMENTS TO BE VACATED:

That part of Lot 4, Block 1, Lyle Addition, Hennepin County, Minnesota described as follows: Commencing at the intersection of the North line of said Lot 4 and a line drawn 10 feet West of and parallel with the East line of said Lot 4; thence Southerly along said parallel line a distance of 65.00 feet to the point of beginning of the parcel to be described; thence Easterly left deflecting 90 degrees 00 minutes 00 seconds a distance of 6.00 feet; thence Southerly parallel with said East line of Lot 4 a distance of 26.00 feet; thence Westerly deflecting to right 90 degrees 00 minutes 00 seconds a distance of 6.00 feet to said line drawn 10 feet West of and parallel with the East line of said Lot 4; thence Northerly along said parallel line a distance of 26.00 feet to the point of beginning.

All persons who desire to be heard with respect to the question of whether or not the above proposed street right of way and utility and drainage vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed street vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, telephone or cable television poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of such easement, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

Passed and adopted this 15th day of June 2004.

Motion carried on rollcall vote – four ayes.

***CHANGE ORDER – CITY HALL DEMOLITION** Motion made by Member Housh and seconded by Member Masica approving the change order for removal of surrounding pavement for old City Hall, Contract No, 04-03, Engineering, in the amount of \$9,000.00.

Motion carried on rollcall vote – four ayes.

AUTHORIZE EXECUTION OF COST SHARING AGREEMENT FOR GREATER SOUTHDAL E AREA LAND USE/TRANSPORTATION STUDY Mr. Hughes indicated that a Committee of Hennepin County and City Staff has selected the Hoisington Koegler Group to undertake a land use and transportation study of the France Avenue corridor. The County has proposed a Cost Sharing Agreement, providing \$70,000 in County funding, with the City contributing \$50,000 to complete this study. If approved by the Council, the County at their July board meeting would consider the agreement. Mr. Hughes stated staff recommended the Council approve the Cost Sharing Agreement with Hennepin County and authorize commencement of the study.

Mr. Housh explained he had a friendship with an employee of the winning bidder and asked if he should be eliminated from a decision on the agreement. Mr. Hughes said this association would be of no concern with voting on the issue.

Member Housh made a motion authorizing execution of the Cost Sharing Agreement with Hennepin County for the Greater Southdale Area Land Use/Transportation Study. Member Hovland seconded the motion.

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

***RESOLUTION NO. 2004-57 - SUPPORTING MN/DOT'S PLANS FOR THE INTERSTATE 35W AND CROSSTOWN INTERCHANGE** Motion made by Member Housh and seconded by Member Masica approving the following resolution:

RESOLUTION NO. 2004-57

**SUPPORTING Mn/DOT'S PLANS FOR THE
INTERSTATE 35W/CROSSTOWN INTERCHANGE**

WHEREAS, the Minnesota Department of Transportation has prepared plans to improve the Interstate 35W/Crosstown interchange to improve safety and reduce congestion; and

WHEREAS, the project as designed will reduce time wasted in traffic delays for the 200,000 plus daily users of the interchange; and

WHEREAS, the project as designed will reduce crashes on the freeways and on the adjacent local street network; and

WHEREAS, the project as designed will provide an advantage by way of a dedicated High-Occupancy-Vehicle lane for the 15,000 daily transit users; and

WHEREAS, the project as designed provides these benefits in a ratio of 3.7 over project costs.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Edina, that the City of Edina supports this project and encourages approval of this project as designed by all governmental bodies.

ADOPTED by the City Council of the City of Edina this 15th day of June, 2004.

Motion carried on rollcall vote – four ayes.

***CONFIRMATION OF CLAIMS PAID** Member Housh made a motion and Member Masica seconded the motion approving payment of the following claims as shown in detail on the Check Register dated June 2, 2004, and consisting of 28 pages: General Fund \$126,721.08; Communications Fund \$4,732.61; Working Capital Fund \$202,703.91; Art Center Fund \$1,131.14; Aquatic Center Fund \$23,605.11; Golf Course Fund \$26,426.94; Ice Arena Fund \$1,966.73; Edinborough/Centennial Lakes Fund \$10,448.83; Liquor Fund \$94,529.86; Utility Fund \$99,549.04; Storm Sewer Fund \$5,701.91; Recycling Fund \$32,171.80; PSTF Fund \$317.18; TOTAL \$630,006.14; and for approval of payment of claims dated June 9, 2004, and consisting of 31 pages: General Fund \$295,627.31; Communications Fund \$3,520.13; Working Capital Fund \$62,996.16; Art Center Fund \$1,406.27; Golf Dome Fund \$4,263.01; Aquatic Center Fund \$17,929.21; Golf Course Fund \$13,805.17; Ice Arena Fund \$84,870.05; Edinborough/Centennial Lakes Fund \$11,412.66; Liquor Fund \$128,669.42; Utility Fund \$27,504.11; Storm Sewer Fund \$1,438.99; PSTF Fund \$152,031.81; TOTAL \$805,474.30.

Motion carried on rollcall vote – four ayes.

CONCERN OF RESIDENT Carl Golbronson, 5 Cooper Avenue, indicated he sold electric scooters to wholesale dealers and was opening a bike shop in Edina at Valley View Road and Wooddale Avenue. He said many retailers were also selling the electric scooters. State law was unclear as it related to the scooter's use on City streets/sidewalks. Mr. Golbronson asked the City to take a proactive stance to facilitate the legal use of the scooters. He presented the Council with a summation of the motor

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vehicle code for Minnesota and information on the various types of scooters. Mr. Golbronson expressed concern over what he viewed as a conflict between local law and federal code.

The Council voiced concern with riders' safety while riding the subject scooters. One suggestion was to request State legislators to examine the State laws governing these types of scooters.

Chief Siitari said generally when a youth was observed riding one of the scooters, they are returned to their parents and the law explained. He further said since the State was the licensing body for motor vehicles and correspondence with state legislators would be the place to begin.

No formal Council action was taken.

There being no further business on the Council Agenda, Mayor Maetzold declared the meeting adjourned at 10:32 P.M.

City Clerk